

U.S. Patent Application No. 09/833,431
Attorney Docket No. 13DV13933 (07783-0079)

REMARKS

The Office Action mailed November 19, 2004 has been received and carefully considered. Claims 1-20 are pending, all which currently stand rejected. Claims 1, 4-9, 11, 14-17, 19 and 20 stand rejected under 35 U.S.C. §102(c) as unpatentable over U.S. Patent 6,453,339 to Schultz, et al. (Schultz). Claims 10 and 18 stand rejected under 35 U.S.C. §103(a) as obvious over Schultz in view of U.S. Patent 6,272,493 to Pasquali (Pasquali). Claims 2-3 and 12-13 stand rejected under 35 U.S.C. §103(a) as obvious over Schultz in view of U.S. Patent 6,381,640 to Beck et al. (Beck).

I. Rejection under 35 U.S.C. § 102(c).

Claims 1, 4-9, 11, 14-17, 19 and 20, of which claims 1, 11 and 20 are independent, stand rejected as unpatentable in view of Schultz. Office Action at page 2. Applicants respectfully traverse the rejection.

Claim 1 is directed to a system for tracking and displaying module usage in a portal for a computer network. The system comprises a server computer having a memory device, a client computer being connected to the server computer, a portal stored in the memory device of the server computer and accessible by a user from a client computer, the portal comprising a plurality of modules. The system further comprises means for monitoring selection of a module of the plurality of modules by a user on a client computer, means for collecting information on a user selecting a module of the plurality of modules, a database stored in the memory device of the server computer, the database storing the collected information for each module of the plurality of modules, means for retrieving information for a particular module from the database on a request from a user, and means for displaying the retrieved information to a user on a client computer.

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Schultz is directed to a system and method for displaying information from different sources. Users of the system contribute to an organization's library of information by publishing unstructured content to a storage device and by accessing the content via object keys stored in a repository. Col. 3, lines 10-18. Information in the library is organized into channels, which are logical organizations by subject, to which users can subscribe. Col. 3, lines 19-29. Users can customize a newspaper to display timely headlines from subscribed channels. Col. 3, lines 44-46. An automated process termed a "messenger" alerts the user when an event pertinent to that user has occurred. Each messenger is defined by a name, description and event. In addition, messengers may include a link to a referenced content page. The messenger's alert takes the form of an e-mail to the user or is presented as a headline on the user's newspaper. Col. 3, lines 48-61.

It is well established that to anticipate an invention, a reference must teach each and every element of the claimed invention, either explicitly or inherently. *In re Schreiber*, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997).

At the very least, Schultz fails to teach means for monitoring selection of a module of the plurality of modules by a user on a client computer. The Examiner argues Schultz teaches this limitation at col. 4, lines 44-45. Office Action at page 3. However, these lines only teach that the "[s]erver engine 26 manages content requests received from the user interface." (emphasis added). Applicants can only presume that the Examiner has erroneously used "manage" as an interchangeable term with "monitor." As defined in Merriam-Webster's Collegiate Dictionary, 10th Ed. (1993), "manage" is "to handle or direct with a degree of skill" (1 a) or more appropriately as used in the context of Schultz, "to exercise executive, administrative, and

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supervisory direction of" (1 c). "Monitor," on the other hand, is "to watch, keep track of, or check, usually for a special purpose." Copies of the relevant definitions are attached.

Directing incoming and outgoing content requests by an intranet server of unstructured data in a repository is not the same as keeping track of usage of particular modules in a portal for a computer network, as found in Applicants' claimed invention. A review of Schultz clearly indicates that the term "monitor" is used separately, as a subset of the management provided by the server engine. (e.g., the server engine includes "a scheduler which monitors and schedules processing of messengers." Col. 4, lines 55-56; a clean-up thread "monitors the session pool and removes sessions which have expired." Col. 16, lines 58-60; and a servlet maintenance thread "monitors the task table to complete scheduled tasks." Col. 18, lines 24-25.) Monitoring selection of a module is never disclosed or suggested and Schultz thus fails to disclose at least this limitation of Applicants' claimed invention.

Similarly, Schultz also fails to teach means for collecting information on a user selecting a module of the plurality of modules. At most, Schultz teaches that user profiles may be part of the system. The profile in Schultz is created to allow a user flexibility in creating a personal desktop environment. Col. 12, lines 17-19. The profile contains specifics such as channels the user wants to see or that appear on the desktop. Col. 12, lines 22-29. This is clearly differentiated from information on what modules a user has actually accessed, by selecting a module. That is, the claim limitation is not just for collection of information from any user of the portal, but "a user selecting a module." Thus, even to the extent that Applicants' claimed invention extracts information from a user profile, Applicants' claimed invention includes a limitation not found in Schultz: information is collected on a user who is engaged in selecting a

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module, not just any user accessing the portal or a user studying content in a module after it has been collected.

Even if all of the elements of Applicants' claimed invention were present in Schultz, which they are not, Schultz would still fail to anticipate it because nothing in Schultz remotely teaches, discloses or suggests Applicants' claimed invention. That is, at most, even if Schultz was relevant as a parts list from which one might pick and choose to possibly arrive at Applicants' claimed invention, Schultz still fails to anticipate it because there is no teaching how any of the parts might be arranged to arrive at the invention. Schultz contains no disclosure or teaching, nor even any suggestion, of a system that monitors what modules of a portal are being selected by users, much less that information about the selection is collected and stored, and that the stored, collected information is made available by retrieving and displaying it to a client computer.

Independent claims 11 and 20 also contain the relevant limitations discussed with respect to claim 1 above. Because claims 11 and 20 stand rejected for essentially the same rationale as claim 1, claims 11 and 20 are not anticipated by Schultz. *A fortiori*, all claims depending from claims 1, 11 or 20 are also not anticipated by Schultz, and the rejection of claims 1, 4-9, 11, 14-17, 19 and 20 should be withdrawn.

II. Rejections under 35 U.S.C. § 103(a).

Claims 10 and 18 stand rejected as obvious over Schultz in view of Pasquali. Claims 2-3 and 12-13 stand rejected as obvious over Schultz in view Beck. Applicants respectfully traverse the rejections.

Pasquali discloses a system and method for facilitating a windowed content manifestation environment within a web browser. Pasquali, Abstract. Pasquali is believed to be cited only for

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the limited teaching of connecting a server and a client computer over an intranet. See Office Action at page 9. Beck discloses a multimedia call center with an agent work presentation software model programmed to launch automatically when an agent logs onto the call center operating system. Beck, Abstract. Beck is believed to be cited only for the limited purpose that information can be sorted using particular input parameters. See Office Action at pages 10-11.

Each of claims 2-3, 10, 12-13, and 18 are believed to be allowable as depending from an independent claim already shown to be allowable for the reasons given above. Furthermore, Pasquali and Beck fail to overcome the deficiencies demonstrated in Schultz. Thus, claims 2-3, 10, 12-13 and 18 are not obvious in view of Schultz and Beck or Schultz and Pasquali and the rejection under 35 U.S.C. §103 should be withdrawn.

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CONCLUSION

In view of the above, Applicants respectfully request reconsideration of the Application and withdrawal of the outstanding rejections. Applicants respectfully submit that claims 1-20 are not anticipated by Schultz, nor rendered obvious by Schultz in view of Pasquali or Beck, and thus, are in condition for allowance. As the claims are not anticipated by, nor rendered obvious in view of, the applied art, Applicants request allowance of claims 1-20 in a timely manner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicants' undersigned representative.

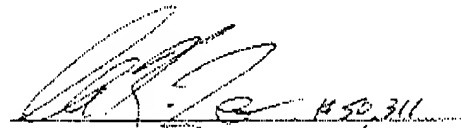
The Commissioner is authorized to deduct any fees determined by the Patent Office to be due from the undersigned's Deposit Account No. 50-1059.

Date: January 17, 2005

Respectfully submitted,

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By:

A handwritten signature in dark ink, appearing to read 'Shawn K. Leppo', is written over a horizontal line. To the right of the signature, the number '50,311' is handwritten.

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